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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

2017 FEB -5 A 9:59

TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD W. DUNN

FEB 6 2017

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE OF
THE UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A JUST
AND REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND PURCHASED
POWER PROCUREMENT AUDITS FOR ARIZONA
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

PROCEDURAL ORDER

BY THE COMMISSION:

On June 1, 2016, Arizona Public Service Company (“APS” or “Company”) filed with the Arizona Corporation Commission (“Commission”) the above-captioned Rate Case Application.

Parties to this docket are APS, the Commission’s Utilities Division (“Staff”), Richard Gayer; Patricia Ferré; Warren Woodward; IO Data Centers, LLC (“IO”); Freeport Minerals Corporation (“Freeport”); Arizonans for Electric Choice and Competition (“AECC”); Sun City Home Owners Association (“Sun City HOA”); Western Resource Advocates (“WRA”); Arizona Investment Council (“AIC”); Arizona Utility Ratepayer Alliance (“AURA”); Property Owners and Residents Association of Sun City West (“PORA”); Arizona Solar Energy Industries Association (“AriSEIA”); Arizona School Boards Association (“ASBA”) and Arizona Association of School Business Officials (“AASBO”) (collectively “ASBA/AASBO”); Cynthia Zwick; Arizona Community Action Association (“ACAA”); Southwest Energy Efficiency Project (“SWEEP”); the Residential Utility Consumer Office (“RUCO”); Vote Solar; Electrical District Number Eight and McMullen Valley Water Conservation & Drainage District (collectively, “ED8/McMullen”); The Kroger Co. (“Kroger”); Tucson Electric Power Company (“TEP”); Pima County; Solar Energy Industries Association (“SEIA”); the Energy Freedom

1 Coalition of America ("EFCA"); Wal-Mart Stores, Inc. and Sam's West, Inc. (collectively,
2 "Walmart"); Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-
3 CIO (collectively, "the IBEW Locals"); Calpine Energy Solutions LLC ("Calpine Solutions")(formerly
4 Noble Energy Solutions, LLC); the Arizona Competitive Power Alliance ("the Alliance"); Electrical
5 District Number Six, Pinal County, Arizona ("ED 6"), Electrical District Number Seven of the County
6 of Maricopa, State of Arizona ("ED7"), Aguila Irrigation District ("AID"), Tonopah Irrigation District
7 ("TID"), Harquahala Valley Power District ("HVPD"), and Maricopa County Municipal Water
8 Conservation District Number One ("MWD") (collectively, "Districts"); the Federal Executive
9 Agencies ("FEA"); Constellation New Energy, Inc. ("CNE"); Direct Energy, Inc. ("Direct Energy");
10 AARP; the City of Coolidge ("Coolidge"); REP America d/b/a ConservAmerica ("ConservAmerica");
11 and Granite Creek Power & Gas and Granite Creek Farms LLC (collectively, "Granite Creek").

12 On June 14, 2016, APS filed a Notice of Errata.

13 On June 23, 2016, APS filed its Second Notice of Errata.

14 On July 22, 2016, a Rate Case Procedural Order was issued setting the procedural schedule and
15 associated procedural deadlines for this matter, granting several interventions, and granting several
16 requests to receive service by email.

17 On August 1, 2016, a Procedural Order was issued granting Staff's request to consolidate the
18 above-captioned dockets,¹ correcting typographical errors in the July 22, 2016 Rate Case Procedural
19 Order, granting interventions, and granting requests to receive service by email.

20 On August 9, 2016, a Procedural Order was issued granting certain interventions, approving
21 certain requests for service by email, and modifying the form of notice required by the July 22, 2016
22 Rate Case Procedural Order.

23 On July 21, 2016, August 24, 2016, September 30, 2016, November 4, 2016, November 18,
24 2016, and November 21, 2016, APS filed copies of presentations from their Rate Case Technical
25 Conferences.

26 On September 13, 2016, APS filed its certification that public notice of this proceeding was
27

28 ¹ Docket No. E-01345A-16-0123 was opened on April 11, 2016.

1 provided as directed in the Rate Case Procedural Order issued July 22, 2016, as modified by the
2 Procedural Order issued August 9, 2016.

3 On October 14, 2016, a Procedural Order was issued granting APS's October 6, 2016 Motion
4 for Procedural Conference and Interim Protective Order, which it filed in response to EFCA's October
5 3, 2016 Notice of Deposition of Barbara D. Lockwood.

6 On October 20, 2016, a procedural conference was held as scheduled by the Procedural Order
7 issued October 14, 2016. APS, EFCA, TEP, Walmart, Freeport Minerals, AECC, Noble Solutions,
8 CNE, Direct Energy, PORA, the Alliance, RUCO, and Staff appeared at the procedural conference
9 through counsel or lay representative. During the procedural conference, APS, Noble Solutions, CNE,
10 Direct Energy, EFCA, and Staff provided comments and arguments regarding discovery issues, and
11 the matter was taken under advisement.

12 On October 21, 2016, a Procedural Order was issued rescheduling the date of the pre-hearing
13 conference in this matter to March 13, 2017.

14 On November 17, 2016, a Procedural Order was issued setting procedural deadlines regarding
15 the deposition of APS witness Barbara Lockwood.

16 On November 30, 2016, EFCA filed a Notice of Deposition of Barbara D. Lockwood. The
17 Notice indicated that EFCA and APS settled upon December 15, 2016, at 9:00 a.m. as the date and
18 time of the deposition.

19 On December 5, 2016, EFCA made three filings in regard to its Emergency Motion to Compel
20 Production of Barbara Lockwood Calendar in Advance of Lockwood Deposition.

21 On December 7, 2016, APS filed its Response in Opposition to EFCA's Motion to Compel.

22 On December 7, 2016, APS filed its Motion to Compel.

23 On December 7, 2016, Mr. Gayer filed his Direct Testimony.

24 On December 12, 2016, EFCA filed a Reply in Support of its Motion to Compel.

25 On December 12, 2016, EFCA filed its Emergency Motion to Compel Production of Report
26 Regarding Rate Impact.

27 On December 13, 2016, by Procedural Order, EFCA's Motion to Compel Production of Barbara
28 Lockwood's Calendar was denied and EFCA was ordered to file, no later than December 16, 2016, its

1 Response to Arizona Public Service Company's December 7, 2016 Motion to Compel.

2 On December 13, 2016, EFCA filed a Notice of Withdrawal of its Emergency Motion to
3 Compel Production of Report Regarding Rate Impact.

4 On December 14, 2016, Sunrun, Inc. filed a Notice of Withdrawal as Intervenor.

5 On December 14, 2016, Patricia Lee Refo of Snell & Wilmer LLP filed a Notice of Appearance
6 on behalf of APS.

7 On December 19, 2016, EFCA filed its Response to the Motion to Compel filed by APS.

8 On December 19, 2016, Staff filed a Request for Extension of Filing Deadline.

9 On December 20, 2016, the IBEW Locals filed the Direct Testimony of G. David Vandever.

10 On December 21, 2016, the FEA filed the Direct Testimony of its witnesses Brian C. Andrews
11 and Michael P. Gorman.

12 On December 21, 2016, Mr. Woodward filed his Direct Testimony.

13 On December 21, 2016, a Procedural Order was issued extending the deadline for the filing of
14 Intervenor Direct Testimony to December 28, 2016, approving the request of Sunrun, Inc. to withdraw
15 as an intervenor, and approving SEIA's consent to email service request.

16 On December 22, 2016, ConservAmerica filed the Direct Testimony of its witness Paul Walker.

17 On December 22, 2016, RUCO filed the Direct Testimony of its witnesses John Cassidy and
18 Frank Radigan.

19 On December 27, 2016, Mr. Woodward filed his Motion to Compel APS to Fully Answer Data
20 Requests ("First Motion to Compel").

21 On December 27, 2016, APS filed its Reply to EFCA's Response to APS's Motion to Compel.

22 On December 27, 2016, CNE and Direct Energy each filed a Consent to Email Service.

23 On December 28, 2016, AIC filed the Direct Testimony of its witness Branko Terzic.

24 On December 28, 2016, ED8/McMullen filed the Direct Testimony of their witness James D.
25 Downing.

26 On December 28, 2016, AECC filed the Direct Testimony of its witness Kevin Higgins.

27 On December 28, 2016, Wal-Mart filed the Direct Testimony of its witness Gregory W.
28 Tillman.

1 On December 28, 2016, SWEEP filed the Direct Testimony of its witness Jeff Schlegel.

2 On December 28, 2016, EFCA filed the Direct Testimony of its witness Mark E. Garrett.

3 On December 28, 2016, Staff filed the Direct Testimony of its witnesses Ralph Smith, David
4 Parcell, Michael Lewis, and Candrea Allen.

5 On December 29, 2016, APS filed its Notice of Intent of Revenue Requirement Settlement
6 Discussions.

7 On December 30, 2016, APS filed its Notice of Filing Supplemental Testimony, to which was
8 attached the Supplemental Direct Testimonies of Jeffrey M. Burke and Charles A. Miessner, which
9 address APS's proposed valuation of distributed generation exports using the Resource Comparison
10 Proxy ("RCP") Methodology.

11 On December 30, 2016, EFCA filed its Sur-Response to APS's Motion to Compel; Motion to
12 Strike Reply Brief; and Notice of Lodging Sur-Response.

13 On December 30, 2016, EFCA filed its Notice of Deposition of Charles A. Miessner.

14 On December 30, 2016, EFCA filed its Notice of Deposition of Leland R. Snook.

15 On December 30, 2016, APS filed its Response to Mr. Woodward's First Motion to Compel.

16 On January 3, 2017, Mr. Woodward filed his Reply to APS's Response to his First Motion to
17 Compel.

18 On January 4, 2017, APS filed its Response to EFCA's Motion to Strike Reply Brief and Notice
19 of Lodging Sur-Response.

20 On January 5, 2017, APS filed a Motion for Protective Order.

21 On January 6, 2017, EFCA filed its Response to APS's Motion for Protective Order.

22 On January 6, 2017, EFCA filed its Emergency Motion for Expedited Consideration Regarding
23 EFCA's Response to APS's Motion for Protective Order.

24 On January 6, 2017, EFCA filed its Amended Notice of Deposition of Leland R. Snook.

25 On January 6, 2017, Staff filed its Notice of Time and Location for Settlement Discussions.

26 On January 9, 2017, Vote Solar filed its Expedited Motion to Strike and for Procedural Order.

27 On January 9, 2017, a Procedural Order was issued setting a procedural conference for the dual
28 purpose of addressing the issue of incorporating the RCP Methodology into this proceeding, as directed

1 by Decision No. 75859 (January 3, 2017); and for hearing oral argument on APS's Motion for
2 Protective Order, and on responsive pleadings.

3 On January 10, 2017, Mr. Gayer docketed a supplement to his Direct Testimony.

4 On January 11, 2017, the procedural conference convened as scheduled. Appearances were
5 entered by counsel for APS, AIC, ASDA, Vote Solar, SEIA, EFCA, IO, the Alliance, the FEA,
6 ED8/McMullen, PORA, RUCO, and Staff.

7 On January 13, 2017, a Procedural Order was issued rescheduling the hearing date in this
8 matter, along with associated procedural deadlines, in order to facilitate the incorporation of the RCP
9 Methodology into this proceeding pursuant to Decision No. 75859; denying Vote Solar's Motion to
10 Strike; and Granting APS's Motion for Protective Order in regard to EFCA's Notices of Deposition of
11 APS witnesses Leland R. Snook and Charles A. Miessner.

12 On January 13, 2017, EFCA filed its Amended Notice of Deposition of Charles A. Miessner.

13 On January 13, 2017, EFCA filed its second Amended Notice of Deposition of Leland R.
14 Snook.

15 On January 18, 2017, PORA filed a request to allow Mr. Robert Miller, PORA Director and
16 Chair of Utilities Liaison Committee, to appear and represent PORA as an alternative designee to act
17 "with or in the stead or absence of" PORA's representatives Albert Gervenack and Rob Robbins in this
18 proceeding ("PORA's Request").

19 On January 18, 2017, a Procedural Order was issued clarifying that public comment will be
20 taken commencing at 10:00 a.m. on March 22, 2017, which was the publicly noticed first day of hearing
21 in this matter; that the evidentiary portion of this proceeding will commence at 10:00 a.m. on April 24,
22 2017; and that parties who wish to participate in the hearing are required to attend the April 20, 2017
23 pre-hearing conference, which is scheduled to commence at 2:00 p.m.

24 On January 18, 2017, EFCA filed its Motion for Reconsideration of the Approval of APS's
25 Motion for Protective Order.

26 On January 19, 2017, Mr. Woodward filed his Motion to Compel APS to Fully Answer
27 Woodward's Data Request #2.19 ("Second Motion to Compel").

28 On January 19, 2017, EFCA filed a Motion to Associate Counsel Pro Hac Vice.

1 On January 19, 2017, Commissioner Burns filed correspondence.

2 On January 20, 2017, APS filed its Response to Mr. Woodward's Second Motion to Compel.

3 On January 25, 2017, Mr. Woodward filed a Reply to APS's January 20, 2017 Response.

4 On January 27, 2017, Coolidge filed the Direct Testimony of its witness Rick Miller.

5 On January 27, 2017, Kroger filed the Direct Testimony of its witness Stephen J. Baron on Cost
6 of Service and Rate Design issues.

7 On January 30, 2017, Calpine filed notice of its name change (from Noble Americas Energy
8 Solutions, LLC). The service list in this matter has been updated to reflect the new name.

9 On January 31, 2017, Freeport and AECC filed a request to remove C. Webb Crockett from
10 the service list in this matter, and the name has been removed, per the request. However, a change to
11 the designated email address for Freeport and AECC will require further action in the form of a new
12 Consent to Email filing and an email sent from the new designated email address for verification
13 purposes.

14 On February 3, 2017, PORA filed the Direct Testimony of its witness Al Gervenack.

15 On February 3, 2017, the FEA filed the Direct Testimony of its witness Amanda M. Alderson.

16 On February 3, 2017, Walmart filed the Direct Testimony of its witness witnesses Gregory W.
17 Tillman and Chris Hendrix.

18 On February 3, 2017, AIC filed the Direct Testimony of its witnesses Gary Yaquinto, Branko
19 Terzic and Daniel G. Hansen.

20 On February 3, 2017, RUCO filed the Direct Testimony of its witnesses Frank Radigan and
21 Lon Huber.

22 On February 3, 2017, Vote Solar filed the Direct Testimony of its witness Briana Kobor.

23 On February 3, 2017, ACAA filed the Direct Testimony of its witness Cynthia Zwick.

24 On February 3, 2017, SWEEP filed the Direct Testimony of its witness Jeff Schlegel.

25 On February 3, 2017, SEIA filed the Direct Testimony of its witness R. Thomas Beach.

26 On February 3, 2017, EFCA filed the Direct Testimony of its witnesses James A. Heidell and
27 Mark E. Garrett.

28 On February 3, 2017, Freeport, AECC, Calpine, CNE, and Direct Energy filed the Direct

1 Testimony of their witness Kevin C. Higgins.

2 On February 3, 2017, AURA filed the Direct Testimony of its witnesses Patrick J. Quinn and
3 Scott Rubin.

4 Numerous public comments have been filed.

5 APS's Motion to Compel

6 APS's Motion to Compel will be addressed in a subsequent Procedural Order.

7 Mr. Woodward's Motions to Compel

8 First Motion to Compel

9 Mr. Woodward's First Motion to Compel requests that APS be compelled to fully answer his
10 data requests numbered in Exhibit B to his First Motion to Compel. Attached to the Motion are Exhibits
11 A-E. Exhibit A is a copy of Commission Decision No. 75047 (April 30, 2015), and Exhibit B consists
12 of a list of Mr. Woodward's data requests 2.1 through 2.8, 2.14, 2.15, 2.21, 2.22, 2.32.c, 2.36, and 2.38,
13 along with the responses received and Mr. Woodward's arguments regarding the responses. The
14 Motion states that APS responded to Mr. Woodward's second set of data requests on December 15,
15 2016, but that APS objected to answering the data requests numbered in Exhibit B. The Motion states
16 that after telephone consultation on December 15 and 19, 2015, APS continued its objections. Mr.
17 Woodward argues that the disputed data requests constitute his attempt to, pursuant to Decision No.
18 75047, "conduct the 'comprehensive review' that 'the various issues that may surround smart meters'
19 'would benefit from,' and that APS's objections to answering the data requests are "not in compliance
20 with Decision No. 75047."² Mr. Woodward requests that he be allowed to amend his previously filed
21 Direct Testimony with an Addendum to include the subject matter and issues in the disputed data
22 requests.

23 APS filed a Response, and Mr. Woodward filed a Reply.

24 In its Response, APS argues that Mr. Woodward's First Motion to Compel is based on a
25

26 ² The terms "smart meter" and "AMI meter" are used interchangeably in this Procedural Order.
Findings of Fact No. 17 in Decision No. 75047 states as follows:

27 Although APS has presented its application as a tariff filing, we think that these issues would benefit from
28 the type of comprehensive review that is conducted in a general rate case. A tariff filing proceeding, which
is typically processed in a more abbreviated fashion, is ill-suited to address the issues presented herein.

1 misreading of Decision No. 75047. APS contends that none of the information Decision No. 75047
2 requires APS to provide in this rate proceeding is related to the safety or operation of APS's AMI
3 meters. APS argues that the ADHS Study referenced in Decision No. 75047 confirmed that AMI
4 operates within the FCC standard, and that even if the Commission wishes to revisit that determination,
5 that the Company's pending rate case is not the proper forum to do so. APS states that numerous
6 Arizona electric, gas, and water utility providers use AMI of some kind, and that any generic revisiting
7 of the propriety of AMI deployment, for whatever reasons, should involve all affected Arizona utilities.
8 APS argues that including the health effects of AMI in this rate case would unduly expand the scope
9 of this proceeding, which is fundamentally about the value of APS's property devoted to public service,
10 and how the costs are collected from customers. APS argues that Mr. Woodward's data requests would
11 exceed those parameters, and might require extensive expert testimony, and "could consume
12 disproportionate amounts of the hearing." APS argues that Decision No. 75752 rejected the
13 interpretation Mr. Woodward provides of Decision No. 75047.

14 In his Reply, Mr. Woodward disagrees with APS's interpretation of Decision Nos. 75047 and
15 75752, and takes issue with APS's position regarding FCC jurisdiction over AMI. Mr. Woodward
16 contends that APS's reading of Decision No. 75047 to only require consideration of the items it requires
17 APS to provide for review is overly narrow, and points out that APS chose not to appeal Decision No.
18 75047. Mr. Woodward contends that Decision No. 75047 entitles him to conduct a comprehensive
19 review of the various issues that may surround smart meters.

20 Decision No. 75047

21 Decision No. 75047 granted Applications for Rehearing of Decision No. 74871 (December 18,
22 2014) filed by Mr. Woodward and Ms. Ferré; rescinded and abrogated Decision No. 74871 pursuant to
23 A.R.S. § 40-253(E); required APS to continue to provide analog meters to those customers who ask
24 for them; required APS to track the unrecovered costs of its continued provision of analog meters;
25 authorized APS to defer those unrecovered costs and to request recovery in its next rate case; and to
26 provide certain information in its next rate case to assist the Commission in its evaluation of those
27 issues. Decision No. 75047 stated that the actions taken in the Decision are without prejudice to APS
28 and to the parties to pursue matters in APS's next rate case, and without prejudice to Mr. Woodward

1 to pursue his complaint in Docket No. E-01345A-14-0113.

2 Mr. Woodward's and APS's arguments regarding Mr. Woodward's First Motion to Compel are
3 set forth below:³

4 Woodward Data Requests 2.1 through 2.8

5 APS asserted that the data requested by Mr. Woodward's data requests 2.1 through 2.8 is not
6 relevant to any matters at issue in APS's pending rate case, and objects to the requests as irrelevant and
7 not likely to lead to the discovery of admissible evidence.

8 Mr. Woodward responded that his questions 2.1 to 2.8 are relevant to the APS rate case, because
9 they relate to the health harm issue of AMI meters, and Decision No. 75047 entitles him to conduct a
10 comprehensive review of the various issues that may surround smart meters. Mr. Woodward stated
11 that the questions are modeled after questions asked by an Administrative Law Judge in a California
12 Public Utilities Commission ("CPUC") proceeding as documented in a March 24, 2011 filing, a copy
13 of which is attached to Mr. Woodward's First Motion to Compel as Exhibit C.

14 Woodward Data Requests 2.14 and 2.15

15 APS has asserted that Mr. Woodward's data requests 2.14 and 2.15 are not relevant, and objects
16 to the requests as irrelevant and not likely to lead to the discovery of admissible evidence.

17 Mr. Woodward responded that they are relevant, because they relate to the issue of fires
18 associated with AMI meters and that Decision No. 75047 entitles him to conduct a comprehensive
19 review of the various issues that may surround smart meters.

20 Woodward Data Request 2.21

21 APS has asserted that Mr. Woodward's data request 2.21 is overly broad, but provided an
22 answer to the question in regard to the 2015 test year at issue in this proceeding.

23 Mr. Woodward asserts that the question is not overly broad, that APS should have the answers
24 in its records, and that Decision No. 75047 entitles him to conduct a comprehensive review of the
25 various issues that may surround smart meters.

26 ...

27 _____
28 ³ Please see Exhibit B to Mr. Woodward's December 27, 2017 filing for the wording of the disputed data requests, with the
exception of data request 2.19.

1 Woodward Data Request 2.22

2 APS has asserted that Mr. Woodward's data request 2.22 concerns an issue not related to the
3 2015 test year at issue in this proceeding, and that any correspondence related to the 2011 Commission
4 smart meter workshop is not relevant to matters at issue in this case. APS objects to the request as
5 irrelevant and not likely to lead to the discovery of admissible evidence.

6 Mr. Woodward asserts that the request is relevant for comparison to spending on analog meters,
7 that the requested correspondence is relevant to AMI meter health harm issues, and that Decision No.
8 75047 entitles him to conduct a comprehensive review of the various issues that may surround smart
9 meters.

10 Woodward Data Request 2.32.c

11 APS answered Mr. Woodward's data request 2.32.c by stating that it has had bilingual
12 employees for many years to assist non-English speaking customers.

13 Mr. Woodward asserts that APS should be required to provide the year APS began offering
14 dual language customer services.

15 Woodward Data Request 2.36

16 APS has asserted that Mr. Woodward's data request 2.36 seeks information not relevant to any
17 issue pending in or likely to lead to the discovery of admissible evidence in this rate case, and objects
18 on that ground in addition to the ground that it is unduly burdensome because APS's system from 2005
19 does not allow easy access to the information requested.

20 Mr. Woodward asserts that the trouble ticket records exist for 2005 because they exist (and
21 were provided) for the 2015 test year; that the data is needed for a comparison between the old analog
22 system and the new AMI system, and that Decision No. 75047 entitles him to conduct a comprehensive
23 review of the various issues that may surround smart meters.

24 Woodward Data Request 2.38

25 APS states that the issue in this data request is moot at this point because APS has been
26 installing AMI meters for well over a decade with Commission knowledge and approval, and in prior
27 rate cases, APS has sought and received cost recovery on all its meters, including its AMI meters.

28 Mr. Woodward asserts that APS's original cost/benefit projections for its AMI meter projects

1 before the first one was installed are relevant. Mr. Woodward argues that it is important to know if
2 APS ever made cost/benefit projections as called for in Decision No. 69736, and if APS's smart grid
3 has met the original cost/benefit projections. Mr. Woodward contends that Decision No. 75047 entitles
4 him to conduct a comprehensive review of the various issues that may surround smart meters.

5 Resolution

6 Because Decision No. 75047 moved the discussion of issues related to the tariff at issue in
7 Docket No. E-01345A-13-0069 to this rate proceeding, the data requested by Mr. Woodward's data
8 requests 2.1-2-8, 2.14, 2.15, 2.21, 2.22, 2.32.c, 2.36, and 2.38 are relevant to the issues in this rate
9 proceeding. APS should be required to provide available data to Mr. Woodward in response to those
10 data requests. If APS wishes to provide additional expert testimony on these issues, it may propose a
11 procedural schedule prior to the hearing.

12 Second Motion to Compel

13 In his Second Motion to Compel, Mr. Woodward states that when he received APS's responses
14 to his data request 2.19 on December 15, 2016, they were classified as competitive/highly confidential.
15 Mr. Woodward states that on December 28, 2016, APS agreed to declassify all the responses it made
16 to Mr. Woodward's data request 2.19, with the exception of 2.19.b, and that Mr. Woodward agreed.
17 Mr. Woodward states that on that date, he requested that APS fully answer all the questions in his data
18 request 2.19, and that on January 12, 2017, APS informed him that it would not provide any further
19 response. Mr. Woodward requests that APS be required to fully answer all the questions he mentions
20 in his Second Motion to Compel.⁴ As in his First Motion to Compel, Mr. Woodward requests that he
21 be allowed to amend his previously filed Direct Testimony with an Addendum to include the subject
22 matter and issues in the disputed data requests.

23 APS filed a Response, and Mr. Woodward filed a Reply.

24 APS objected to Mr. Woodward's questions in data request in 2.19 on the grounds that they are
25 overly broad and unduly burdensome, and seek information that is irrelevant and not likely to lead to
26 the discovery of admissible evidence. In regard to data request 2.19.e, APS asserted that the request is

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28 ⁴ For the wording of the disputed data requests 2.19, please see Mr. Woodward's January 19, 2017 Motion to Compel APS to Fully Answer Woodward's Data Request 2.19.

1 vague and ambiguous and that APS does not have a specific smart meter data management system.

2 Mr. Woodward responds that his questions in 2.19 regarding APS's spending on AMI meters
3 and associated functions are relevant, specific and not overly broad, and not unduly burdensome. Mr.
4 Woodward claims that certain of the responses APS furnished are "not believable." Mr. Woodward
5 asserts that APS must answer his data requests 2.19.e, 2.19.h-o, 2.19.t, and 2.19.w, because the cost
6 information he requests is related to Mr. Woodward's belief that the fee APS is requesting from
7 customers who have refused smart meters is unwarranted. Mr. Woodward contends that Decision No.
8 75047 entitles him to conduct a comprehensive review of the various issues that may surround smart
9 meters.

10 In its Response, APS asserts that it is not purposely withholding information, but that it simply
11 does not have the information Mr. Woodward requests in the form and detail requested, and that to
12 gain insight into the granularity requested, APS would have to review thousands of individual invoices
13 and attempt to categorize them as cyber-security related, then AMI related. APS states that even then,
14 many invoices would cover multiple IT projects, and any assignment of costs to AMI would be purely
15 arbitrary. APS contends that no party is required to provide information it does not possess.

16 In his Reply, Mr. Woodward argues that because APS responded to data request 2.19.o that the
17 total cost of APS's smart meter mesh network communication field system's field equipment (such as
18 any routers or communication towers needed) and installation was \$1.5M in the test year, demonstrates
19 that APS knows all the answers Mr. Woodward seeks, and that APS has simply chosen not to answer.

20 Resolution

21 Mr. Woodward has not demonstrated that the questions in dispute in his data request 2.19 are
22 not unduly burdensome. Decision No. 75047 states that issues surrounding smart meters would benefit
23 from the type of comprehensive review conducted in a rate case, as opposed to a tariff filing review.
24 Decision No. 75047 does not require APS to provide information it does not possess.

25 PORA's Request for Mr. Miller to be Authorized as a Lay Representative

26 PORA's Request included a January 17, 2017 Resolution of PORA's Board of Directors
27 authorizing Mr. Miller to represent PORA in this proceeding should Mr. Gervenack or Mr. Robbins be
28 unavailable to participate. PORA's Request also included a Consent to Email Service signed by Mr.

1 Miller.

2 Mr. Miller should be allowed to represent PORA in this proceeding should Mr. Gervenack or
3 Mr. Robbins be unavailable to participate. PORA's prior consent to service by email has previously
4 been approved, with Mr. Gervenack's email address as the designated email address for service. Mr.
5 Miller's email address should be added to the service list as a courtesy email recipient.

6 EFCA's Motion to Associate Counsel *Pro Hac Vice*

7 The Motion filed by Court Rich requesting authority to associate Curt Ledford *pro hac vice* as
8 counsel for EFCA in this matter lists Mr. Rich as the designated member of the Arizona State Bar with
9 whom communication may be made, and upon whom papers should be served. Attached to the filing
10 is a copy of the verified Application for Appearance *Pro Hac Vice* filed with the State Bar of Arizona
11 for Mr. Ledford; a copy of the certificate of good standing from the jurisdiction in which he has been
12 admitted to practice law; and a copy of the Notice of Receipt of Complete Application from the State
13 Bar of Arizona.

14 In the discretion of the Commission, Mr. Ledford should be permitted to appear and participate
15 *pro hac vice* in this matter on behalf of EFCA. Because EFCA's request to receive service by email to
16 its designated email address has previously been approved in this matter, the email address appearing
17 for Mr. Ledford appearing on his verified Application for Appearance *Pro Hac Vice* filed with the State
18 Bar of Arizona will be added to the service list as a courtesy email address.

19 IT IS THEREFORE ORDERED that APS shall provide available data to Mr. Woodward in
20 response to his data requests 2.1-2-8, 2.14, 2.15, 2.21, 2.22, 2.32.c, 2.36, and 2.38.

21 IT IS FURTHER ORDERED that APS is not required to provide information in response to
22 Mr. Woodward's data request 2.19 beyond that already provided.

23 IT IS FURTHER ORDERED that Robert Miller is hereby authorized to represent the Property
24 Owners and Residents Association of Sun City West in this proceeding as an additional lay
25 representative.

26 IT IS FURTHER ORDERED that Curt Ledford is hereby admitted *pro hac vice* in the above-
27 captioned matter.

28 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Rate Case**

1 **Procedural Order** issued in this matter on **July 22, 2016**, for additional information regarding the
2 process to consent to service by email. Information regarding Consent to Email Service is also
3 available on the Commission's website (www.azcc.gov) by clicking on "Email Service Consent."

4 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
5 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
6 hearing.

7 DATED this 6th day of February, 2017.

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10 _____
11 TEENA JIBILIAN
12 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE
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On this 6th day of February, 2017, the foregoing document was filed with Docket Control as a Procedural Order – Grants a Miscellaneous Motion/Request, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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